

The following list contains the entire submission submitted September 22, 2023 12:30:02pm ET, and is formatted for ease of viewing and printing.

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## Contact information

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## Request

<b>Request ID</b>	871726
<b>Confirmation ID</b>	871146
<b>Request description</b>	I request all SES positions along with the position's role and description of duties, including positions that have remained vacant for over a year since January 20, 2021.

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## Supporting documentation

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## Fees

<b>Request category ID</b>	media
<b>Fee waiver</b>	yes

AFPI requests a fee waiver under 5 U.S.C. § 552(a)(4)(A)(ii). The America First Policy Institute is a 501(c)(3) non-profit organization. We research public policies that put the American people first and disseminate that research to the public and policymakers. This mission primarily consists of gathering and analyzing information about current events and/or information of current interest to the public and publicizing that information and analysis through our website— [www.americafirstpolicy.com](http://www.americafirstpolicy.com). These activities qualify AFPI as a representative of the news media as that term is defined in the Freedom of Information Act. We are (1) an entity that gathers information (including through, but not limited to, FOIA requests) that is (2) of potential interest to a segment of the public (those who share our America First Agenda) and (3) uses editorial skill to turn these raw materials into a distinct work (such as the reports that we produce) and (4) distributes that work to an audience (through e-mail distribution to those who sign up for reports, as well as publishing them online at [www.americafirstpolicy.com](http://www.americafirstpolicy.com)). See for example these reports, which were based in part on materials gathered from FOIA requests: AFGE Corruption Warrants Investigation,

[https://assets.americafirstpolicy.com/assets/uploads/files/Research\\_Report\\_AFGE\\_Corruption\\_Warrants\\_Investigation\\_.pdf](https://assets.americafirstpolicy.com/assets/uploads/files/Research_Report_AFGE_Corruption_Warrants_Investigation_.pdf) and Union Arbitrators Overturn Most Employee Dismissals,

[https://americafirstpolicy.com/latest/20220914?union?arbitrators?overturn?most?federal?](https://americafirstpolicy.com/latest/20220914?union?arbitrators?overturn?most?federal?employee?dismissals)

[employee?dismissals](https://americafirstpolicy.com/latest/20220914?union?arbitrators?overturn?most?federal?employee?dismissals). The D.C. Circuit Court of Appeals has held that 501(c)(3) non-profit advocacy organizations can be “representatives of the news media” for FOIA purposes. See for example then-Judge Garland’s decision in Cause of Action v. Federal Trade Commission, 799 F.3d 1108 (D.C. Cir. 2015) holding the Cause of Action Institute – a 501(c)(3) nonprofit advocacy organization – a representative of the news media. See also Nat’l Sec. Archive v. U.S. Dep’t of Defense, 880 F.2d 1381, 1386 (D.C. Cir. 1989)

(holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”). Further, the content of this FOIA request will inform our research products on the management of federal agencies, including the role of DEIA in agency operations. We further note that AFPI’s status as a representative of the news media has been recognized by multiple federal agencies, including the Department of Labor, the Department of Interior, the Department of Agriculture, the National Labor Relations Board, the

## Explanation

Willing to pay	\$0
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**Expedited processing**

Expedited Processing	no
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